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| 09/915,287 | 07/27/2001 | James McNabb | RELJ-001/01US | 6095 |
| 29315 7590 06/03/2008 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC ATTN: PATENT INTAKE CUSTOMER NO. 29315 ONE FINANCIAL CENTER BOSTON, MA 02111 | | | | |
| EXAMINER | | | | |
| STRANGE, AARON N | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/915,287

Applicant(s)

MCNABB ET AL.

Examiner

AARON STRANGE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/21/08 have been fully considered but they are not persuasive.
2. With regard to claim 1, and Applicant's assertion that Monteiro does not disclose that "the user software is 'logically connected to' a media server 'based on an association between' the user software 'and one or more characteristics of the network communication system'" (Remarks 4-5), the Examiner respectfully disagrees.

Monteiro connects to a particular media server by first requesting a list of Control Servers , which is sorted by the Administration Server "based on an overall system load and the location of the User on the network" (col. 14, ll. 18-21). Then, the User software connects to the first available Control Server to acquire a list of media servers managed by the Control Server (col. 14, ll. 29-39). Finally, the User software connects to the first available Media Server from the list (col. 14, ll. 40-44).

Therefore, it is clear that the media server ultimately chosen is based on an association between the user software and "one or more characteristics of the network communication system", such as the network topology (user location is considered), current status of the network (unavailable Control/Media servers are not selected) and/or system load. This is far from an "essentially arbitrary" association, as asserted by Applicant (Remarks 5), and is an association based on "one or more characteristics of the network communication system", as claimed.

3. With regard to claim 5, and Applicant's assertion that Monteiro fails to disclose "where said turnstile determines whether said ticket is valid" (Remarks 5), the Examiner respectfully disagrees. Monteiro clearly discloses that the turnstile (User software) "sends a User Object [ticket] to the Administration Server" (col. 13, ll. 24-26), which generates and returns a security token if the ticket is valid (col. 13, ll. 33-41), or returns a "Result Message Object" if the ticket is invalid (col. 13, ll. 29-32).

While the User software "determines" whether the ticket is valid by asking the Administration Server whether the ticket is valid, the claim language does not preclude the turnstile from receiving assistance in making the claimed determination. Therefore, the operation disclosed by Monteiro anticipates the claimed determination step.

4. With regard to claim 6, and Applicant's assertion that Monteiro fails to disclose "wherein said turnstile forwards a valid ticket to said connected participant manager for authentication", and that relying on Monteiro's "security token object" as the claimed ticket "conflicts with the Examiner's previous interpretation of the various elements of Monteiro in claim 5" (Remarks 5-6), the Examiner respectfully disagrees.

Applicant's argument appears to rely on a belief that the "valid ticket" in claim 6 is the same as the "said ticket" in claim 5. However, the language of the claims is inconsistent with such an interpretation. The "ticket" in claim 5 is referred to as "said ticket", clearly referring to the "a ticket" of claim 4. However, claim 6 recites "a valid

ticket", not "said valid ticket", and is not limited to the ticket appearing in claim 5. The claims simply do not preclude the use of multiple "tickets".

5. With further regard to claim 6, and Applicant's assertion that "the media server ... of Monteiro cannot authenticate the security token object" (Remarks 6), the Examiner respectfully disagrees. In the very section cited by Applicant (col. 15, ll. 14-27) Monteiro clearly discloses that the Media Servers "go back to the Administration Server with a token validation sequence". Similar to the issue discussed above regarding claim 5, the claims do not preclude the Media Servers from receiving assistance from the Administration Server in validating tokens.

Additionally, Monteiro clearly discloses that the Media servers may cache validations so that they do not have to validate tokens repeatedly (col. 15, ll. 19-22). Therefore, it is clear that the Media Servers can authenticate security tokens which have cached validations, even without consulting the Administration Server.

6. With regard to claims 9 and 10, and Applicant's assertion that Monteiro does not disclose the turnstile preventing its associated participant from receiving the event (remarks 6), the Examiner respectfully disagrees. Monteiro clearly discloses that Users must authenticate each time they use the system (col. 13, l. 64 to col. 14, l. 4). Users cannot access events unless they have a valid security token, and this can only be obtained by a login sequence using the User software (col. 13, ll. 24-41). Therefore, it is

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clear that the turnstile (user software) prevents the user from accessing any events until the login sequence has been properly completed.

Applicant's apparent assertion that the Control Server prevents the users from receiving an event is not persuasive, since the user cannot even communicate with the control servers until after it has received a valid security token. A valid security token is required to receive a list of the Control Servers from the Administration Server (col. 14, ll. 15-21) since the "Server List Request Object" must include a "Security Token Object" (col. 10, ll. 21-29) that must be validated before any service is performed (col. 10, ll. 5-10).

7. Since Applicant's arguments are not persuasive, and the claims have not been amended, all rejections set forth in the Office Action of 8/22/07 are MAINTAINED.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 4-10 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Monteiro et al. (US 5,778,187).

10. With regard to claim 1, Monteiro discloses a system for managing a plurality of participants to an event comprising:

a director (primary server) having an address (IP address) associated therewith for delivering the event to the plurality of participants (primary servers are the root servers for each channel and are connected to the Internet)(Fig. 1; col. 3, ll. 4-8; col. 4, ll. 31-36)

a plurality of participant managers (media servers) installed within a network communication system and logically connected amongst themselves and to said director thereby forming a hierarchy (Fig. 1; col. 5, ll. 31-36), the director forming a root of the hierarchy, the participant managers forming branches of the hierarchy, and the participants forming leaves of the hierarchy (Fig. 1; col. 5, ll. 31-36); and

a turnstile (User software) installed at and associated with each of the plurality of participants (col. 13, ll. 9-11), each turnstile logically connected to one of said plurality of participant managers in said hierarchy based on an association between the turnstile and one or more characteristics of the network communication system (turnstile connects to the first available media server)(col. 14, ll. 34-44).

11. With regard to claim 4, Monteiro further discloses that said associated participant presents said turnstile a ticket (username/password) to gain access to the event (user enters username/password into the user software)(col. 13, ll. 11-17; col. 14, ll. 4-7).

12. With regard to claim 5, Monteiro further discloses that said turnstile determines whether said ticket is valid (user software verifies with authentication server that username is unique)(col. 13, ll. 27-36).

13. With regard to claim 6, Monteiro further discloses that said turnstile forwards a valid ticket to said connected participant manager for authentication (user provides token to media server when requesting content)(col. 9, ll. 34-40; col. 15, ll. 14-27).

14. With regard to claim 7, Monteiro further discloses that said connected participant manager communicates authorization to said turnstile upon determining said ticket is authentic (media server replies with a Result Message Object indicating success, after verifying that the username/password is authentic) (col. 14, ll. 6-9; col. 14, ll. 49-50; col. 15, ll. 14-26).

15. With regard to claim 8, Monteiro further discloses that said director provides event information to said connected participant manager (col. 3, ll. 9-10).

16. With regard to claim 9, Monteiro further discloses that said turnstile prevents said associated participant from receiving the event until a ticket associated with the event is authenticated (user must authenticate each time they wish to use the system)(col. 13, ll. 64 to col. 14, ll. 4).

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17. With regard to claim 10, Monteiro further discloses that said turnstile prevents said associates participant from receiving the event until a ticket associated with the event is determined to have been provided to said associated participant (user must authenticate each time they wish to use the system)(col. 13, ll. 64 to col. 14, ll. 4).

18. With regard to claim 46, Monteiro further discloses that the characteristics include at least one of a network point of entry, a geographic location, network congestion, or network performance (turnstile connects to the first available media server)(col. 14, ll. 34-44).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 2 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Monteiro et al. (US 5,778,187) in view of Jung et al. (US 6,308,208).

21. With regard to claim 2, while the system disclosed by Monteiro shows substantial features of the claimed invention (discussed above), including turnstiles sending delivery statistics regarding said associated participant to said connected participant

manager (col. 14, ll. 59-63), it fails to specifically disclose that the delivery statistics are propagated up the hierarchy to the director.

Jung discloses a system for monitoring a network. Jung teaches collecting statistics from resources in the network, and propagating them up the hierarchy, eventually reaching a central monitoring node (col. 8, ll. 17-39). This would have been an advantageous addition to the system disclosed by Monteiro since it would have allowed the entire distribution network to be monitored using a large number of relatively small and simple monitors. This type of monitoring is less expensive and lower maintenance, particularly for large networks (Jung; col. 1, ll. 26-34; col. 5, ll. 42-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to propagate the delivery statistics up the hierarchy from low level monitors to the director in order to automatically monitor the network using a large number of inexpensive, low maintenance monitors.

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153

/A. S./
Examiner, Art Unit 2153

